REMARKS

This is a full and timely response to the outstanding final Office Action mailed July 26, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

I.   Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 7, 9, 10, 13-15, and 18 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Motono, et al.* ("Motono," U.S. Pat. No. 6,798,448). Applicant respectfully traverses.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Motono reference. Applicant discusses the Motono reference and Applicant's claims in the following.

A.   The Motono Reference

Motono discloses an imaging apparatus that is configured to alternatively capture images in an "interlaced read out mode" for video and an "all pixels read out mode" for still images. *Motono*, column 1, lines 42-45. Significantly, Motono does not disclose a multi-mode operation of the imaging apparatus in which both relatively low resolution

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images and relatively high resolution images are captured alternately to create a single multi-mode image file that comprises *both* relatively low-resolution images and high-resolution images.

B. Applicant's Claims

Applicant's independent claim 1 provides as follows:

1. A method for associating an image with a video file, the method comprising:

creating a multi-mode image file by capturing sequences of relatively low-resolution images of an observed scene and capturing relatively high-resolution images of the observed scene between the capturing of the sequences of relatively low-resolution images;

extracting one of the relatively high-resolution images from the multi-mode image file;

identifying at least one of a filename or a storage location of the multi-mode image file;

storing the extracted relatively high-resolution image as an independent image; and

storing an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image.

Regarding claim 1, Motono first does not teach "creating a multi-mode image file" by capturing both "relatively low-resolution images" and "relatively high-resolution images". Although Motono describes an imaging apparatus ("cam-corder 100") having an "interlaced read out mode" that may capture lower resolution images and an "all pixels read out mode" that may capture higher resolution images, those modes are

separate and distinct modes and therefore do not result in the "creation" of a single "multi-mode image file" having *both* lower and higher resolution images.

As described by Motono:

> Thus, the mode of operation of the solid image sensor is appropriately *switched from* the interlaced read out mode to the all pixels read out mode or vice versa for imaging and the obtained imaging signal is output by way of the output signal processing means that is particularly adapted to the interlaced read out mode.

Motono, column 2, lines 59-64 (emphasis added). Furthermore, Motono describes how the distinct modes are selected:

> *If said position 1 is selected* by said operation mode switching lever 12B of the cam-corder 100, the control section 11 selects the VTR mode for the cam-corder 100.
>
> ------------------------
>
> *If said position 3 is selected* by said operation mode switching lever 12B, the control section 11 selects the camera mode for the cam-corder 100.

Motono, column 7, line 66 to column 8, line 1; column 7, lines 11-13. Given that the two types of image data are captured in separate modes, it follows that no "multi-mode image file" created by "capturing sequences of relatively low-resolution images . . . and relatively high-resolution images . . . between the capturing of the sequences of relatively low-resolution images" results from use of Motono's cam-corder 100.

Given that Motono fails to teach the creation of a "multi-mode file" that comprises relatively low-resolution images and relatively high-resolution images, it logically follows that Motono also fails to teach the action of "extracting" a relatively high-resolution image from the multi-mode image file. Specifically, since no single file is created by Motono's cam-corder 100 that includes both relatively low-resolution images and relatively high-resolution images, there are no relatively high-resolution images to "extract" in the first place. More generally, Motono does not teach "extracting" _any_ images from _any_ file.

Given that Motono fails to teach creation of a multi-mode file that comprises relatively low-resolution images and relatively high-resolution images, and further fails to teach extracting relatively high-resolution images from such a file, it logically follows that Motono also fails to teach "identifying at least one of a filename or a storage location of the multi-mode image file" from which the relatively high-resolution image was extracted.

Finally, Motono does not teach "storing an indication of the at least one of a filename or a storage location of the multi-mode image file as metadata associated with the extracted relatively high-resolution image". Because, Motono does not disclose extraction of any image from any file, there is no need for storing an indication of which multi-mode file from which the relatively high-resolution image was extracted.

In view of the above, it is clear that Motono does not anticipate independent claim 1 or its dependents. Motono also fails to anticipate independent claims 10 and 15 and their dependents for similar reasons.
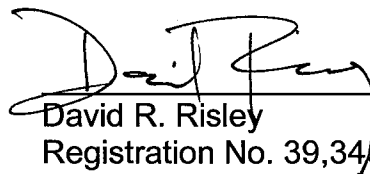
II.   Claim Rejections - 35 U.S.C. § 103(a)

Claim 8 been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Motono* in view of *Examiners Official Notice*. Applicant respectfully traverses.

As identified above, Motono does not teach aspects of Applicant's claims. In that Examiner's Official Notice does not remedy the deficiencies of the Motono reference, Applicant respectfully submits that claim 8 is allowable over the Motono/Examiner's Official Notice for at least the same reasons that claim 1 is allowable over Motono.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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